

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Writ Petition No.2701 of 2006

Vrishabh Nath Kallappa Borgawe	Petitioner
Vs.	
Shree Bahubali Zilla Nagari Sahakari Patsanstha Ltd., Jaysingpur & anr.	Respondents
Mr.Ashutosh Gole for petitioner. Mr.P.A. Pol, APP for State.	

CORAM: B.H.MARLAPALLE, J.

August 31, 2007.

P.C.

. Heard Mr.Ashutosh Gole, the learned counsel
for the petitioner who is an accused in Criminal
Complaint No.1476 of 2003 filed under Section 138 of
the Negotiable Instruments Act, 1881. In the said
complaint the petitioner submitted an application
praying for directions to the complainant to submit
the original record regarding the loan disbursed by
the complainant Credit Society to the petitioner and
this application came to be filed by the trial Court
by noting that the complainant has refused to
produce the documents.

. It is well settled that in the complaint filed
under Section 138 of the Negotiable Instruments Act

it is for the complainant to discharge his burden regarding the existence of a debt or other liability legally enforceable against the dishonoured cheque and the accused is at liberty to cross-examine the complainant to bring out his defence and / or examine his own witnesses. Under these circumstances, if the application submitted by the present petitioner has been only filed or taken on record, no prejudice is likely to be caused to his defence, if any.

. Hence the petition is rejected summarily.

(B.H.MARL